

Application No. 10/609,414
Amendment dated December 19, 2005
Reply to Office Action of September 21, 2005

Docket No.: 0505-1207P
Art Unit 3616
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AMENDMENTS TO THE DRAWINGS

Two Sheets of Revised Formal Drawings are attached. Line B-B is designated in FIG. 8A, and joint 218 is properly shown in FIG. 19.

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are pending. Claims 1-11, 13, 15, 17, and 19 are amended. Claims 1, 9, and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 7-10 and 17-20 would be allowable if rewritten or amended in independent form and to overcome the rejection under 35 U.S.C. § 112, second paragraph.

The Applicants thank the Examiner for the early indication of allowable subject matter in this application. In response,

allowable claim 9 has been rewritten in independent form and to overcome the rejection under 35 U.S.C. § 112, second paragraph, and

independent claims 1 and 11 have each been amended to include a novel combination of elements not taught or suggested by the references cited by the Examiner. Accordingly, independent claims 1, 9, and 11 are in condition for allowance.

Foreign Priority Claim

The Examiner has acknowledged the Applicants' claim for foreign priority.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed December 19, 2003, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

An additional IDS is being filed concurrently with this Amendment to supply copies of the references disclosed in paragraphs [0003] and [0004] of the specification as originally filed on July 1, 2003. Acknowledgement of this additional IDS is respectfully requested in the next official communication.

Drawings

The Examiner has objected to the drawings. The Applicants response to the objections to the drawings follow.

- Claims 5 and 15 have been amended to include only those elements that are shown in the drawings.
- A. FIG. 19 has been revised to properly designate joint 218.
- B. Paragraph [0051] has been amended.
- C. Paragraph [0063] has been revised.
- D. Paragraph [0063] has been revised.
- E. Paragraph [0066] has been revised.
- F. FIG. 8A has been revised.
- G. Paragraph [0073] has been revised.
- H. Paragraph [0085] has been revised to include “ ϕ 1 (phi 1)”, as shown in FIG. 15.

- I. Paragraph [0087] has been revised to include “ ϕ 2 (phi 2)”, as shown in FIG. 16.
- J. The Examiner is directed to paragraph [0066] which discloses that case 11 attached to rear slant portion 32 of the vehicle body frame. Paragraph [0068] discloses how pressing portions 124 remains fixed relative to connection member 92.

Specification Objection

The Examiner has objected to the specification and the Abstract because of several informalities.

In order to overcome this objection, Applicants have amended the specification in order to correct the deficiency pointed out by the Examiner. In addition, a Substitute Specification is being provided in order to place the application in better form. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted. Applicants respectfully submit that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions.

In addition, the Abstract of the Disclosure has been revised to address the issues pointed out by the Examiner.

Reconsideration and withdrawal of this objection are respectfully requested.

Claim Objections

The Examiner has objected to claims 9 and 19 as being duplicates of claims 7 and 17. In order to overcome this objection, Applicants have amended claims 7, 9, 17, and 19 in order to correct the deficiencies pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended each of claims 1 and 11 to recite “the oscillation mechanism being provided between said suspension arms and said vehicle body frame”. Support for this amendment can be seen, for example, in paragraph [0062] and in FIG. 7, which shows oscillation mechanism 93 connected on one side to vehicle body frame 32, 54, and connected on the other side suspension arms 71, 72 via connecting member 92 and links 88, 89. Thus, support is provided in the specification for “the oscillation mechanism being provided between said suspension arms and said vehicle body frame”, as presently set forth in claim 1 and 11.

Further, claims 5 and 15 are amended. Support for the novel features set forth in claims 5 and 15 can be seen, for example, in paragraph [0053].

In addition, Applicants have amended the specification in order to provide proper antecedent basis in the specification for the claimed subject matter.

Applicants respectfully submit that the claims, as amended, are fully supported by and adequately described in the written description of the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claims 1, 11, and 13 to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1, 4, 11, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Prince (U.S. 4,887,829); and

claims 2, 3, 6, 12, 13, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita et al. (U.S. 4,836,324). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Amendments to Independent Claim 1

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 has been amended to recite amended to recite a combination of elements in a motortricycle with an oscillation mechanism, including *inter alia*

the oscillation mechanism adapted to absorb leftward and rightward oscillation of the vehicle body frame;

a shock absorber provided between said right and left suspension arms and the vehicle body frame, the shock absorber adapted to absorb vertical movement of the rear wheels.

Support for the features set forth in independent claim 1 can be seen, for example, in FIGS. 13-16.

Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Prince and Morita.

By contrast, the references cited by the Examiner do not disclose that the oscillation mechanism absorbs leftward and rightward oscillation of the vehicle body frame and that the shock absorber separately absorbs the vertical movement amounts of the rear wheels. See for example, Prince FIGS. 1 and 2.

Amendments to Independent Claim 11

In addition, independent claim 11 has been amended to recite amended to recite a combination of elements in an engine support structure and a vehicle body frame support structure for supporting an engine, including *inter alia*

wherein the oscillation mechanism is mounted to the vehicle body frame in a position above a rearward extending portion of an L-shaped pipe of the vehicle body frame.

Support for the above features in independent claim 11 can be seen, for example, in FIG. 8A.

Applicants respectfully submit that the combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Prince and Morita.

In contrast to the present invention, as can be seen in Prince FIG. 3, the rocking arm 20 of Prince is merely pivotably mounted on a rear side of frame 10.

While Morita was merely cited in the rejection of dependent claims 2, 3, 6, 12, 13, and 16 by citing rubber bush 13, and bridge tube 6, this document cannot be used to make up for the deficiencies of Prince in the rejection of independent claims 1 and 11.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Prince and Morita. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 1 and 11 are in condition for allowance.

Independent claim 9 is allowable as mentioned above.

The Examiner will note that dependent claims 2-8, 10, 13, 15, and 19 are amended to place them in better form.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

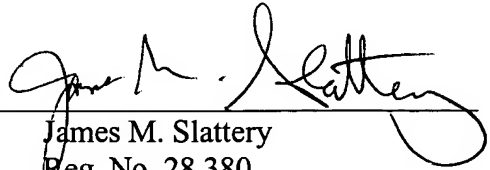
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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JMS:CTT:adt 

Attachments: Substitute Specification (Marked-up)
Substitute Specification (Clean)
Two Sheets of Revised Drawings (FIGS. 8A and 19)